

39009

COUNSELLOR PHILIPPS'

CORRECT

SPEECHES

IN THE FOLLOWING

CAUSES

OF

CRIM. CON.

GUTHRIE v. STERNE,

CREIGHTON v. TOWNSEND,

BLAKE v. WIDOW WILKINS,

BROWN v. BLAKE.

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GUTHRIE v. STERNE.

Mr. COSTELLO opened the Pleadings by stating that it was an Action brought against the Defendant for Criminal Conversation with Plaintiff's Wife, and that the Damages were laid at £20,000.

Mr. PHILLIPS rose, and addressed the Court and Jury in the following words:—

MY LORD AND GENTLEMEN,

In this case I am of counsel for the Plaintiff, who has deputed me with the kind concession of my much more efficient colleagues to detail to you the story of his misfortunes. In the course of a long friendship which has existed between us, originating in mutual pursuits, and cemented by mutual attachment, never until this instant did I feel any thing but pleasure in the claims which it created, or the duty which it imposed. In selecting me, however, from this bright array of learning and of eloquence, I cannot help being pained at the kindness of a partiality, which forgets its interest in the exercise of its affection, and confides the task of practised wisdom, to the uncertain guidance of youth and inexperience. He has thought perhaps that truth needed no set phrase of speech—that misfortunes should not veil the furrows which its tears had burned, or hide under the decorations of an artful drapery, the heart-rent heavings with which its bosom throbbed—he has surely thought, that by contrasting mine with the powerful talents selected by his antagonist, he was given you a proof that the appeal he made, was to your reason—not your feelings—to the integrity of your hearts, not the exasperation of your passions. Happily, however for him, hapnily for you, happily for the country, happily for the profession, on subjects such as this, the experience of the oldest among us is but slender—deeds such as this, are not indigenous to an Irish soil, or naturalized beneath an Irish climate.—We hear of them indeed as we do of the earthquakes that convulse, or the pestilence that infects less favoured régions, but the record of the calamity is only read with the generous scepticism of innocence, or an involuntary thanksgiving to the Providence that has preserved us. No matter how we may have graduated on the scale of nations—no blessing we may have been denied—no matter what may have been our feuds, our follies, or our misfortunes, it has at least been universally conceded that our hearts were the home of the domestic virtues, and that love, honour, and conjugal fidelity were the dear and indisputable Deities of our household—around the fire-sides of the Irish hovel, hospitality circumscribed its sacred circle, and a provision to punish, created a suspicion of the hospitality of its violation. But of all the ties that bound; of all the bounties that blessed her, Ireland most obeyed, most loved, most reverenced the nuptial contract. She saw it, the gift of heaven, the charm of earth, the joy of the present, the promise of the future, the innocence of enjoyment, the chastity of passion—the sacrament of love—the slender curtain, that shades the sanctuary of her marriage bed, has in its purity the splendour of the mountain snow, and its protection the texture of the mountain adamant. Gentlemen, that national sanctuary has been invaded, that venerable divinity has been

violated, and its tenderest pledges torn from their shrine, by the polluted rapine of a kindless, heartless, prayerless, remorseless adulterer. To you religion defiled, morals insulted, law despised, public order foully violated, and individual happiness wantonly wounded, make their melancholy appeal. You will hear the facts with as much patience as indignation will allow; I will myself ask of you to adjudge them with as much mercy as justice will admit.

The Plaintiff in this case, is John Guthrie—by birth—by education—by profession, by better than all, by practice and by principles a Gentleman. Believe me it is not from the common-place of advocacy, or from the blind partiality of friendship, that I say of him, whether considering the virtues that adorn life, or the blandishment that endear it; he has few superiors. Surely if a spirit that disdained dishonour; if a heart that knew not guile; if a life above reproach, and a character beyond suspicion, could have been a security against misfortunes, his lot must have been happiness. I speak in the presence of that profession to which he was an ornament, and with those Members his manhood has been familiar, and I say of him, with a confidence which defies refutation, that, whether we consider him in his private or his public station—as a man or as a Lawyer, there never breathed that being less capable of exciting enmity towards himself, or of offering, even by implication, an offence to others. If he had a fault, it was, that above crime, as he was above suspicion and to that noblest error of a noble nature, he has fallen a victim. Having spent his youth in the cultivation of a mind, which must have one day led him to eminence, he became a Member of the profession by which I am surrounded. Possessing, as he did, a moderate independence, and looking forward to the most flattering prospects, it was natural for him to select amongst the other sex, some friend which should adorn his fortunes and reduce his toils. He found such a friend, or thought he found her in the person of Miss Warren, the only daughter of an eminent Solicitor. Young, beautiful, and accomplished, she was “adorned with all that Earth or Heaven could bestow to make her amiable.” Virtue never found a fairer temple—beauty never veiled a purer sanctuary—the graces of her mind retained the admiration which her beauty had attracted, and the eye her charms fired, became subdued and chastened in the modesty of their association. She was in the dawn of life, with all its fragrance round her, and yet so pure that even the blush which sought to hide her lustre, but disclosed the vestal deity that burned beneath it!—No wonder an adoring husband anticipated all the joys this world could give him—no wonder the parental eye which beamed upon their union, saw in the perspective an old age of happiness and a posterity of honour. Me-thinks I see them at the sacred altar, joining those hands which Heaven commanded none should separate, repayed for many a pang of anxious nurture, by the sweet smile of filial piety, and in the holy rapture of the rite, blessing the power that blessed their children, and gave them hope, their names should live hereafter. It was virtue’s vision—none but fiends could envy it. Year after year confirmed the anticipation—four lovely children blessed their union. Nor was their love the summer passion of prosperity, misfortune proved afflictions chastened it before the mandate of that mysterious power which will, at times, despoil the paths of innocence, to decorate the

chariot of triumphant villainy, my Client had to bow in silent resignation. He owed his adversity to the benevolence of his spirit—he went security for friends—those friends deceived him, and he was obliged to seek in other lands that safe asylum which his own denied him: He was glad to accept an offer of professional business in Scotland during his temporary embarrassment. With a conjugal devotion, Mrs. Guthrie accompanied him, and in her smile, the soil of the stranger was an home—the sorrows of adversity were dear to him. During their residence in Scotland, a period of about a-year, you will find they lived as they had done in Ireland; and as they continued to do until this calamitous occurrence, in a state of uninterrupted happiness. You shall hear more satisfactorily, that their domestic life was unsullied and undisturbed. Happy at home—happy in a husband's love—happy in her parent's fondness—happy in the children she had nursed—Mrs. Guthrie carried into every circle, and there was no circle in which her society was not courted, that cheerfulness which never was a companion of guilt, or a stranger to innocence. My Client saw her the pride of his family, the favourite of his friends—at once, the organ and ornament of his happiness. His ambition awoke, his industry redoubled, and that fortune, which though for a season it may frown, never totally abandons probity and virtue, had begun to smile on him. He was beginning to rise in the ranks of his competitors, and rising with such a character, that emulation itself rather rejoiced than envied. It was at this crisis—in this the noon of his happiness, and day-spring of his fortune, that to the ruin of both, the Defendant became acquainted with his family. With the serpent's wife and the serpent's wickedness, he stole into the Eden of domestic life—poisoning all that was pure—polluting all that was lovely—defying God—destroying man—a daemon in the disguise of virtue—a herald of hell in the Paradise of innocence. His name, Gentlemen, is William Peter Baker Dunstable Sterne—one would think he had epithets enough without adding to them the title of adulterer. Of his character I knew but little, and I am sorry that I know so much; if I am instructed rightly, he is one of those vain and vapid coxcombs, whose vices tinge the frivolity of their follies with something of a more odious character than ridicule.—With just head enough to contrive crime, but not heart enough to feel for its consequences; one of those fashionable insects that folly has painted and fortune plumed for the annoyance of our atmosphere; dangerous alike, in their torpidity and their animation; infesting where they fly, and poisoning where they repose. It was through the introduction of Mr. Fallon, the son of a most respectable lady, then resident in Temple-street, and a near relative of Mr. Guthrie, that the defendant and this unfortunate woman first became acquainted—to such an introduction the shadow of a suspicion could not possibly attach. Occupied himself in his professional pursuits, my client had little desire for the amusement of society; however to the protection of Mrs. Fallon, her son and daughters, moving in the first circles, unstained by any possible imputation; he, without hesitation, entrusted all that was dear to him. No suspicion could be awakened as to any man to whom such a female as Mrs. Fallon, permitted an intimacy with her daughters, while at her house then and at the parties which it originated, the defendant and Mrs. Guthrie, had frequent

opportunities of meeting. Who could have suspected, that under the very roof of virtue—in the presence of a venerable and respected matron, and of that innocent family, whom she had reared up in the sunshine of her example, the most abandoned profligate could have plotted his iniquities! Who would not rather suppose, that in the rebuke of such a presence, guilt would have torn away the garland from its brow, and blushed itself into virtue? But the depravity of this man was of no common dye, the asylum of innocence was selected only as the sanctuary of his crimes, and the pure and the spotless chosen as his associates, because they would be the more unsuspected subsidiaries to his wickedness—nor was his manner and his language less suited than his society to the concealment of his objects. If you believed himself, the sight of suffering affected his nerves—the bare mention of immorality smote upon his conscience—an intercourse with the Continental Courts had refined his mind into a painful sensibility to the barbarisms of Ireland, and yet an internal tenderness towards his native land so irresistibly impelled him to improve it by his residence, that he was an hapless victim to the excess of his feelings, the exquisiteness of his polish, and the excellence of his patriotism. His English estates, he said, amounted to about £10,000 a-year, and he retained in Ireland only a trifling £3,000 more, as a kind of trust for the necessities of its inhabitants—in short, according to his own description, he was in religion a Saint, and in morals a Stoic—a sort of wandering philanthropist, making, like Sterne, who, he confessed, had the honor of his name and his connexion, a Sentimental Journey in search of objects, over whom his heart might weep, and his sensibility expand itself. How happy it is, that of the philosophic profligate only retaining the vices and the name his rashness has led to the arrest of crimes which he had all his turpitude to commit, without any of his talents to embellish. It was by arts such as I have alluded to—by pretending the most strict morality—the most sensitive honor—the most high and undeviating principles of virtue, that the Defendant banished every suspicion of his design. As far as appearances went, he was exactly what he described himself. His pretensions to morals he supported by the most reserved and respectful behaviour—his hand was lavish in the distribution of his charities, and a splendid equipage—a numerous retinue—a system of the most profuse and prodigal expenditure, left no doubt as to the reality of his fortune. Thus circumstanced, he found an easy admittance to the house of Mrs. Fallon, and there he had many opportunities of seeing Mrs. Guthrie, for, between his family and that of so respectable a relative as Mrs. Fallon, my Client had much anxiety to increase the connexion. They visited together some of the public amusements—they partook of some of the fetes in the neighbourhood of the metropolis—but, upon every occasion, Mrs. Guthrie was accompanied by her own Mother, and by the respectable females of Mrs. Fallon's family. I say, upon every occasion, and I challenge them to produce one single instance of those innocent excursions upon which the slanders of an interested calumny have been let loose, in which this unfortunate lady was not matronized by her female relatives, and those, some of the most spotless characters in society. Between Mr. Guthrie and the Defendant the acquaintance was but slight. Upon one occasion alone they dined together;

it was at the house of the Plaintiff's Father-in-law ; and that you may have some illustration of the Defendant's character, I shall briefly instance his conduct at this dinner. On being introduced to Mr. Warren, he apologized for any deficiency of etiquette in his visits, declaring that he had been seriously occupied in arranging the affairs of his lamented father, who, though tenant for life, had contracted debts to an enormous amount—he had already paid up yards of £10,000 which honor and not law compelled him to discharge, as, sweet soul, he could not bear that any one should suffer unjustly by his family. His subsequent conduct was quite consistent with this hypocritical preamble.—at dinner he sat at a distance from Mrs. Guthrie, expatiated to her husband upon matters of morality, and entering into a high flown panegyric on the virtue of domestic life and the comforts of connubial happiness. In short, had there been any idea of jealousy, his manner would have banished it, and the mind must have been worse than sceptical, which would refuse his credence to his surface morality. Gracious God, Gentlemen, where the heart once admits guilt as its associate, how very natural emotion flies before it? Surely, surely, here was a scene to reclaim, if it were possible, this remorseless Defendant ; admitted to her father's table, under the shield of hospitality, he saw a young and lovely female, surrounded by her parents, her husband and her children—the prop of those parents' age, the idol of that husband's love, the anchor of those childrens' helplessness, the sacred orb of their domestic circle, giving their smile its light, and their bliss its being, robbed of whose beams the little lucid world of their home must become chill, uncheered, and colourless for ever. He saw them happy, he saw them united, blessed with peace, and purity, and profusion—throbbing with sympathy and throned in love—depicting the innocence of infancy, and the joys of manhood, before the venerable eye of age, as if to soften the farewell of one world by the pure and pictured anticipation of a better. Yet, even there, hid in the very sunbeam of that happiness, the dæmon of its destined desolation lurked. Just Heavens ! of what materials was that heart composed which could meditate coolly on the murder of such enjoyments ; which innocence could not soften, nor peace propitiate, nor hospitality appease, but which, in the very beam and bosom of its benefaction, warmed and wound itself into a more vigorous venom ? Was there no sympathy in the scene ? was there no remorse at the crime ?—was there no horror at its consequences ?

“ Were honor, virtue, conscience, all exiled,
“ Was there no pity, no relenting ruth,
“ To shew the parents' fondling o'er their child,
“ Then paint the ruined pair, and their distraction wild.”

No, no ; he was at that instant planning their destruction, and even within four short days, he deliberately reduced those parents to childlessness, that husband to widowhood, those infants to anticipated orphanage, and that peaceful, hospitable, confiding family, to helpless, hopeless, irremediable ruin.

Upon the first day of the ensuing July, Mr. Guthrie was to dine with the Connaught Bar at the Hotel of Portobello. It is the custom with the Gentlemen of that Association, to dine together previous to the Circuit ; of course, my Client could not desirously have absented himself. Mrs. Guthrie appeared a little feverish, and he requested

that on his retiring she should compose herself to rest—she promised him she would ; and when he departed somewhat abruptly to put some letters in the Post-Office, she exclaimed, “ What, John, are you going to leave me thus ? ” He returned, and she kissed him. They seldom parted, even for any time, without that token of affection. I am thus minute, Gentlemen, that you may see, up to the last moment, what little cause the husband had for suspicion, and how impossible it was for him to foresee a perfidy which nothing short of infatuation could have produced.

He proceeded to his companions with no other regret than that necessity for a moment forced him from a home which the smile of affection had never ceased to endear him. After a day, however, passed, as such a day might have been supposed to pass in the flow of soul, and the philosophy of pleasure, he returned home, to share his happiness with her without whom no happiness ever had been perfect. Alas, he was never to behold her more ! Imagine, if you can the frenzy of his astonishment, in being informed by Mrs. Porter, the daughter of his former Landlady, that about two hours before she had attended Mrs. Guthrie to a confectioner’s shop, that a carriage had drawn up at the corner of the street, into which a Gentleman, whom she recognized to be Mr. Sterne, had handed her, and they instantly departed. I must tell you, there is every reason to believe that a female was the confidant of the conspiracy. What a pity that the object of that guilty confidence had not something of humanity—that, as a female, she did not feel for the character of her sex—that, as a Mother, she did not mourn over the sorrows of a helpless family ! What pangs might she not have spared ! My Client could hear no more ; even at the dead of night he rushed into the street, as if, in its own dark hour he could discover guilt’s recesses ; in vain did he awake the peaceful family, the horror struck Mrs. Fallon ; in vain, with the parents of the miserable fugitive, did he mingle the tears of an impotent distraction ; in vain, a miserable maniac, did he traverse the silent streets of the metropolis, affrighting virtue from its slumber with the spectre of its own ruin. I will not dwell upon that night of horror ; I will not harrow you with its heart-rending recital. But, imagine you see him, when the day had dawned, returning wretched to his deserted dwelling—seeing, in every chamber, a memorial of his loss, and hearing every tongueless object eloquent of his woe. Imagine you see him in the reverie of his grief, trying to persuade himself it was all a vision, and awakened only to the horrid truth by his helpless Children asking him for their Mother ! Gentlemen this is not a picture of the fancy ; it literally occurred ; there is something less of romance in the reflection which his Children awakened in the mind of their afflicted father ; he ordered that they should be immediately habited in mourning. How rational sometimes are the ravings of insanity ! For all the purposes of maternal life, poor innocents, they have no mother ; her tongue no more can teach, her hand no more can tend them ; for them there is not “ speculation in her eyes ; ” to them her life is something worse than death ; as if the awful grave had yawned her forth, she moves before them shrouded all in sin, the guilty burden of its peaceless sepulchre. Better, far better, their little feet had followed in her funeral, than that the hour which taught her value should reveal her vice ; mourning her loss they might have blessed her memory, and shame need not have rolled its fires into the fountain of their sorrow.

left his party, and attempted to converse with her ; she repelled his advances—he immediately seized her infant sister by the hand, whom he held as a kind of *hostage* for an introduction to his victim. A pre-possessing appearance, a modesty of deportment apparently quite incompatible with any evil design, gradually silenced her alarm, and she answered the common place questions with which, on her way home, he addressed her. Gentlemen, I admit it was an innocent imprudence ; the rigid rules of matured morality should have repelled such communication ; yet, perhaps, judging even by that strict standard, you will rather condemn the familiarity of the intrusion in a designing adult than the facility of access in a creature of her age and her innocence. They thus separated, as she naturally supposed, to meet no more. Not such, however, was the determination of her destroyer. From that hour until her ruin, he scarcely ever lost sight of her, he followed her as a shadow, he way-laid her in her walks, he interrupted her in her avocations, he haunted the street of her residence ; if she refused to meet him, he paraded before the window at the hazard of exposing her first comparatively innocent imprudence to her unconscious parents.—How happy would it have been had she conquered the timidity, so natural to her age, and appealed at once to their pardon and their protection. Gentlemen, this daily persecution was continued for *three months*—for three successive months, by every art, by every persuasion, by every appeal to her vanity and her passions, did he toil for the destruction of this unfortunate young creature. I leave you to guess how many during that interval might have yielded to the blandishments of manner, the fascinations of youth, the rarely resisted temptations of opportunity. For three long months she did resist them. She would have resisted them for ever but for an expedient which is without a model—but for an exploit which I trust in God will be without an imitation.—Oh yes—he might have returned to his country, and did he but reflect, he would rather have rejoiced at the virtuous triumph of his victim, than mourned his own *soul-redeeming* defeat—he might have mourned to his country and told the cold-blooded libellers of this land that their speculations upon Irish chastity were prejudiced and proofless—that *in the wreck of all else* we had retained our honour—that though the national luminary had descended for a season, the streaks of its loveliness still lingered on our horizon—that the nurse of that genius which abroad had redeemed the name, and dignified the nature of man, was to be found at home in the spirit without a stain, and the purity without a suspicion—he might have told them truly that this did not result, as they would intimate, from the absence of passion or the want of civilization—that it was the combined consequence of education, of example, and of impulse, and that, though in all the revelry of enjoyment, the fair floweret of the Irish soil exhaled its fragrance and expanded its charms in the chaste and blessed beams of a virtuous affection, still it shrunk with an instinctive sensitiveness from the gross pollution of an unconsecrated contact !

Gentlemen, the common artifices of the seducer failed ; the syren tones with which sensuality awakens appetite and lulls purity had wasted themselves in air, and the intended victim, deaf to their fascination, moved along safe and untransformed. He soon saw that young as she was, the vulgar expedients of vice were ineffectual ; that

the attractions of a glittering exterior failed ; and that before she could be tempted to her sensual damnation, his tongue must learn, if not the words of wisdom, at least the speciousness of affected purity. He pretended an affection as virtuous as it was violent ; he called God to witness the sincerity of his declarations ; by all the vows which should for ever rivet the honourable, and could not fail to convince even the incredulous, he promised her marriage ; over and over again he invoked the eternal denunciation if he was perfidious—to her acknowledged want of fortune, his constant reply was, that he had an independence, that all he wanted was beauty and virtue ; that he saw she had the one—that had proved she had the other—when she pleaded the obvious disparity of her birth, he answered that he was himself only the son of an English Farmer—that happiness was not the monopoly of rank or riches—that his parents would receive her as the child of their adoption—that he would cherish her as the charm of his existence. Specious as it was, even this did not succeed ; she determined to await its avowal to those who had given her life and who hoped to have made it immaculate by the education they had bestowed and the example they had afforded. Some days after this he met her in her walks, for she could not pass her parental threshold without being intercepted. He asked where she was going, she said a friend knowing her fondness for books had promised her the loan of some and she was going to receive them. He told her he had abundance, that they were just at his home, that he hoped after what had passed she would feel no impropriety in accepting them. She was persuaded to accompany him. Arrived, however, at the door of his lodgings, she positively refused to go any farther ; all his former artifices were redoubled, he called God to witness he considered her as his wife and her character as dear to him as that of one of his sisters—he affected mortification at any suspicion of his purity—he told her if she refused her confidence to his honourable affection, the little infant who accompanied her was an inviolable guarantee for her protection.

Gentlemen, this wretched child did suffer her credulity to repose on his professions. Her theory taught her to respect the honour of a soldier ; her love repelled the imputation that debased its object ; and her youthful innocence rendered her as incredulous as she was unconscious of criminality. At first his behaviour corresponded with his professions ; he welcomed her to the home of which he hoped she would soon become the inseparable companion ; he painted the future joys of their domestic felicity, and dwelt with peculiar complacency on some heraldic ornament which hung over his chimney-piece, and which, he said, was the armorial ensign of his family ! Oh ! my Lord ; how well would it have been had he but retraced the fountain of that document ; had he recalled to mind the virtues it rewarded, the pure train of honours it associated, the line of spotless ancestry it distinguished, the high ambition its bequest inspired, the moral imitation it imperatively commanded ! But when guilt once kindles within the human heart, all that is noble in our nature becomes parched and arid ; the blush of modesty fades before its glare ; the sighs of virtue fan its lucid flame, and every divine essence of our being but swells and exasperates its infernal conflagration !

Gentlemen, I will not disgust this audience ; I will not debase myself by any description of the scene that followed ; I will not detail

the arts, the excitements, the promises, the pledges with which deliberate lust inflamed the passions, and finally overpowered the struggles of innocence and of youth. It is too much to know that tears could not appease, that misery could not affect—that the presence and the prayers of an infant could not awe him ; and that the wretched victim, between the arbour of passion and the repose of love, sunk at length, inflamed, exhausted, and confiding beneath the heartless grasp of an unsympathising sensuality. The appetite of the hour thus satiated, at a temporal, perhaps an eternal hazard, he dismissed the sisters to their unconscious parents, not, however, without extorting a promise, that on the ensuing night Miss Creighton would desert her home for ever for the arms of a fond, affectionate, and faithful husband. Faithful, alas ! but only to his appetites—he did seduce her from that “ sacred home,” to deeper guilt, to more deliberate cruelty !

After a suspense comparatively happy, her parents became acquainted with her irrevocable ruin. The miserable mother, supported by the mere strength of desperation, rushed half frenzied to the Castle, where Mr. Townsend was on duty, “ Give me back my child” was all she could articulate. The parental ruin struck the spoiler almost speechless. The few dreadful words, “ I have your child,” withered her heart up with the horrid joy that death denied its mercy, that her daughter lived, but lived alas to infamy—she could neither speak nor hear—she sunk down convulsed and powerless. As soon as she could recover to any thing of effort, naturally did she turn to the residence of Mr. Townsend—his orders had anticipated her—the sentinel refused her entrance—she told her sad narration—she implored his pity—with the eloquence of grief she asked him had *he home, or wife, or children.*—“ Oh Holy Nature ! thou didst not plead in vain !”—even the rude soldier’s heart relented. He admitted her by stealth, and she once more held within her arms the darling hope of many an anxious hour—duped—desolate—degraded it was true—but still—but still her child. Gentlemen, if the parental heart cannot suppose what followed, how little adequate am I to paint it. Home this wretched creature could not return—a seducer’s mandate and a father’s anger equally forbade it—But she gave whatever consolation she was capable—she told the fatal tale of her undoing—the hopes, the promises, the studied specious arts that had seduced her, and with a desperate credulity still watched the light that glimmering in the distant vista of her love, mocked her with hope, and was to leave her to the tempest. To all the prophecies of maternal anguish she would still reply—“ Oh, no—in the eye of Heaven he is my husband—he took me from my home, my happiness and you, but still he pledged to me a soldier’s honour ; but he assured me with a Christian’s conscience—for three long months I heard his vows of love—he is honourable and will not deceive—he is human and cannot desert me.”—Hear, Gentlemen—hear, I beseech you, how this innocent confidence was returned. When her indignant father had resorted to Lord Forbes, the Commander of the Forces, and to the Noble and Learned head of this Court, both of whom received him with a sympathy that did them honour, Mr. Townsend sent a brother officer to inform her she must quit his residence and take lodgings—in vain she remonstrated—in vain she reminded him of her

former purity, and of the promises that betrayed it. She was literally turned out at nightfall to find whatever refuge the God of the shelterless might provide for her! Deserted and disowned, how naturally did she turn to the once happy home whose inmates she had disgraced, and whose protection she had forfeited! How naturally did she think the once familiar and once welcome avenues looked frowning as she passed—How naturally did she linger like a reposeless spectre round the memorials of her living happiness. Her heart failed her—where a parent's smile had ever cheered her she could not face the glance of shame, or sorrow, or disdain—she returned to seek her seducer's pity even till morning. Good God! how can I disclose it—the very guard had orders to refuse her access—even by the rabble soldiery she was cast into the street amid the night's dark horrors, the victim of her own credulity, the outcast of another's crime, to seal her guilty woes with suicide, or lead a living death amid the tainted sepulchres of a promiscuous prostitution! Far, far am I from sorry that it was so. Horrible beyond thought as is this aggravation, I only hear in it the voice of the Deity in thunder upon the crime.—Yes, yes; it is the present God arming the vicious agent against the vice, and terrifying from its conception by the turpitude to which it may lead. But what aggravation does seduction need! Vice is its essence, lust its end, hypocrisy its instrument, and innocence its victim. Must I detail its miseries? Who depopulates the home of virtue, making the child an orphan, and the parent childless; who wrests its crutch from the tottering helplessness of piteous age? Who wrings its happiness from the heart of youth? Who shocks the vision of the public eye? Who infects your very thoroughfares with disease, disgust, obscenity, and profaneness? Who pollutes the harmless scenes where modesty resorts for mirth, and toil for recreation, with sights that stain the pure and shock the sensitive? Are these the phrases of an interested advocacy? Is there one amongst you but has witnessed their verification? Is one amongst you so fortunate or so secluded as not to have wept over the wreck of health, and youth, and loveliness, and talent, the fatal trophies of the seducer's triumph? Some form, perhaps, where every grace was squandered, and every beauty paused to waste its bloom, and every beam of mind, and tone of melody poured their profusion on the public wonder; all that a parent's prayer could ask, or lover's adoration fancy; in whom even pollution looked so lovely, that virtue would have made her more than human! Is there an epithet too vile for such a spoiler! Is there a punishment too severe for such depravity? I know not upon what complaisance this English seducer may calculate from a Jury of this country; I know not, indeed, whether he may not think he does your wives and daughters some honour by their contamination. But I know well what reception he would experience from a Jury of his own country. I know that in such general execration do they view this crime, they think no possible plea a palliation. No, not the mature age of the seduced; not her previously protracted absence from her parents; not a levity approaching almost to absolute guilt; not an indiscretion in the mother, that bore every colour of connivance; and in this opinion they have been supported by all the venerable authorities with whom age, integrity, and learning have adorned the judgment seat.

Gentlemen, I come armed with these authorities. In the case of Tullidge against Wade, my Lord, it appeared the person seduced was thirty years of age, and long before absent from her home ; yet, on a motion to set aside the verdict for excessive damages, what was the language of Chief Justice Wilmot ? " I regret," said he, " that they were not greater ; though the plaintiff's loss did not amount to twenty shillings, the Jury were right in giving ample damages, because such actions should be encouraged for example's sake." Justice Clive wished they had given twice the sum, and in this opinion the whole Bench concurred. *There* was a case where the girl was of mature age, and living apart from her parents. *Here* the victim is almost a child, and never for a moment separated from her home. Again, in the case of " Bennett against Alcot" on a similar motion, grounded on the apparently overwhelming fact, that the mother of the girl had actually sent the defendant into her daughter's bed-chamber, where the criminality occurred. Justice Buller declared, " he thought the parent's indiscretion no excuse for the defendant's culpability ; and the verdict of £200 damages was confirmed. *There* was a case of literal connivance—*here* will they have the hardihood to hint even its suspicion ? You all must remember, Gentlemen, the case of our own countryman, Captain Gore, against whom, only the other day, an English Jury gave a verdict of £1,500 damages, though it was proved that the person alleged to have been seduced was herself the seducer, going even so far as to throw gravel up at the windows of the defendant ; yet Lord Ellenborough refused to disturb the verdict. Thus you may see I rest not on my own proofless and unsupported dictum. I rely upon grave decisions and venerable authorities—not only on the indignant denunciation of the moment, but on the deliberate concurrence of the enlightened and the dispassionate. I see my learned opponent smile. I tell him I would not care if the books were an absolute blank upon the subject. I would then make *the human heart* my authority—I would appeal to the bosom of every man who hears me, whether such a crime should grow unpunished into a precedent—whether innocence should be made the subject of a brutal speculation—whether the sacred seal of filial obedience, upon which the Almighty Parent has affixed his eternal fiat, should be violated by a blasphemous and selfish libertinism !

Gentlemen, if the cases I have quoted, palliated as they were, have been humanely marked by ample damages, what should you give here where there is nothing to excuse—where there is every thing to aggravate ! The seduction was deliberate—it was three months in progress—its victim was almost a child—it was committed under the most alluring promises—it was followed by a deed of the most dreadful cruelty ; but, above all, it was the act of a man commissioned by his own country, and paid by this, for the enforcement of the laws and the preservation of society. No man more respects than I do the well earned reputation of the British Army.

" It is a school
Where every principle tending to honour
Is taught—if followed."

But in the name of that distinguished Army, I here solemnly appeal against an act, which would blight it greenest laurels, and lay their trophies prostrate in the dust. Let them war, but be it not on domes-

tic happiness; let them invade, but be their country's hearths inviolate; let them achieve a triumph wherever their banners fly, but, be it not over morals, innocence and virtue. I know not, by what palliation the defendant means to mitigate this enormity—will he plead her youth—it should have been her protection; will he plead her levity; I deny the fact; but even were it true, what is it to him? what right has any man to speculate on the temperature of your wives and your daughters, that he may defile your bed, or desolate your habitation? Will he plead poverty? I never knew a seducer or an adulterer that did not. He should have considered that before. But is poverty an excuse for crime? Our law says, he who has not a purse to pay for it, must suffer for it in his person. It is a most wise declaration, and for my part, I never hear such a person plead poverty, that my first emotion is not a thanksgiving, that Providence has denied, at least, the instrumentality of wealth to the accomplishment of his purposes. Gentlemen, I see you agree with me. I wave the topic, and I again tell you, that if what I know will be his chief defence were true, it should avail him not. He had no right to speculate on this wretched creature's levity to ruin her, and still less to ruin her family. Remember, however, Gentlemen, that even had this wretched child been indiscreet, it is not in her name we ask for reparation; no, it is in the name of the parents, her seducer has heart-broken; it is in the name of the poor helpless family he has desolated; it is in the name of that misery, whose sanctuary he has violated; it is in the name of law, virtue, and morality; it is in the name of that country whose fair fame foreign envy will make responsible for this crime; it is in the name of nature's dearest, tenderest sympathies; it is in the name of all that gives your toil an object, and your ease a charm, and your age a hope—I ask from you the value of *the poor man's child*.

(When Mr. Phillips had concluded, a burst of applause issued from the auditory, in which the Court and Bar warmly joined.)

The Jury retired for a short time, and brought in a verdict for the Plaintiff of £750 damages.

BLAKE v. WIDOW WILKINS.

This Cause, which had excited the most universal interest, came on to be tried at Galway, before the Honourable Baron Smith and a Special Jury. Every avenue to the Court-house was crowded at an early hour, and long before the trial it was impossible to procure a seat. The Plaintiff is a Lieutenant in the Navy, not above 30 years of age; the Defendant is, at least, 65, and is the widow of the Staff Physician, in whose arms General Wolfe died at the siege of Quebec. The Plaintiff's case having been gone through, Mr. PHILIPPS' addressed the Jury on the part of Mrs. Wilkins, in the following terms:—

MAY IT PLEASE YOUR LORDSHIP,

The Plaintiff's Counsel tell me, Gentlemen, most unexpectedly that they have closed his case, and it becomes my duty to state to you, that of the Defendant. The nature of this action you have already heard. It is founded on circumstances of the most extreme delicacy, and it is intended to visit with penal consequences the non observance of an engagement, which is of the most paramount importance to society, and which of all others perhaps, ought to be the most unbiassed—an engagement which, if it be voluntary, judicious, and disinterested generally produces the happiest effects; but which, if it be either unsuitable or compulsory, engenders not only individual misery, but consequences universally pernicious. There are few contracts between human beings which should be more deliberate than that of marriage. I admit it should be very cautiously promised, but, even when promised, I am far from conceding that it should invariably be performed, a thousand circumstances may form an impediment—change of fortune may render it imprudent—change of affection may make it culpable. The very party to whom the law gives the privilege of complaint has perhaps the most reason to be grateful—grateful that its happiness had not been surrendered to caprice—grateful that Religion has not constrained an unwilling acquiescence, or made an unavoidable desertion doubly criminal—grateful that an offspring has not been sacrificed to the indelicate and ungenerous enforcement—grateful that an innocent secret disinclination did not too late evince itself in an irresistible and irremediable disgust. You will agree with me, however, that if there exists any excuse for such an action, it is on the side of the female, because every female object being more exclusively domestic, such a disappointment is more severe in its visitation; because the very circumstance concentrating their feelings render them naturally more sensitive of a wound; because their best treasure, their reputation, may have suffered from the intercourse; because their chances of reparation are less, and their habitual seclusion makes them feel it more; because there is something in the desertion of their helplessness which almost merges the illegality in the unmanliness of the abandonment.—However, if a man seeks to enforce this engagement, every one feels some indelicacy attached to the requisition. I do not enquire into the comparative justness of the reasoning, but, does not every one feel that there appears some meanness in forcing a female

into an alliance? Is it not almost saying, "I will expose to public shame the credulity on which I practised, or you must pay to me in monies numbered, the profits of that heartless speculation—I have gambled with your affections, I have secured your bond, I will extort the penalty either from your purse or your reputation!" I put a case to you where the circumstances are reciprocal—where age, fortune, situation, are the same, where there is no disparity of years to make the supposition ludicrous, where there is no disparity of fortune to render it suspicious. Let us see whether the present action can be so palliated, or whether it does not exhibit a picture of fraud, and avarice, and meanness and hypocrisy so laughable, that it is almost impossible to criticise it, and yet so debasing, that human pride almost forbids its ridicule.

It has been left to me to defend my unfortunate old client from the double-battery of Love, and of Law, which at the age of 65 has so unexpectedly opened on her. Oh Gentlemen! How vain glorious is the boast of beauty! How misapprehended have been the charms of youth, if years and wrinkles can thus despoil their conquest, and depopulate the Navy of its prowess, and beguile the bar of its eloquence! How mistaken were all the amatory poets from Anacreon downwards, who preferred the bloom of the rose and the thrill of the nightingale, to the saffron hide and dulcet treble of sixty five. Even our own sweet Bard has had the folly to declare that

He once had heard tell of an amorous youth
Who was caught in his Grandmother's bed;
But owns he had ne'er such a liquorish tooth
As to wish to be there in his stead."

Royal wisdom has said, that we live in a "New *Æra*." *The reign of old women has commenced*, and if Johanna Southcote converts England to her creed why should not Ireland, less pious, perhaps, but at least equally passionate, kneel before the shrine of the irresistible *Widow WILKINS*. It appears, Gentlemen, to have been her happy fate to have subdued particularly the death-dealing professions. Indeed, in the love episodes of the Heathen Mythology, Mars and Venus were considered as inseparable. I know not whether any of you have ever seen a very beautiful print representing the fatal glory of Quebec, and the last moments of its immortal Conqueror—if so, you must have observed the figure of the Staff Physician, in whose arms the Hero is expiring—that identical personage, my Lord, was the happy swain, who, 40 or 50 years ago, received the reward of his valour and his skill *in the Virgin hand of my venerable client!* The Doctor lived somewhat *more than a century*, during a great part of which Mrs. Wilkins was his companion—alas! Gentlemen, long as he lived, he lived not long enough to behold her *béauté*—

That *Beauty* like the *Aloe flower*,
But *bloomed* and *blossomed* at *fourscore*."

He was however so far fascinated as to bequeath to her the legacies of his patients when he found he was pre-doomed to follow them. To this circumstance, very far be it from me to hint, that Mrs. W. is indebted for any of her attractions. Rich, however, she undoubtedly was, and rich she would still as undoubtedly have continued, had it not been for her intercourse with the family of the Plaintiff. I do not impute it as a crime to them that they happened to be necessitous, but I

do impute it as both criminal and ungrateful, that after having lived on the generosity of their friend, after having literally exhausted her most prodigal liberality, they should drag her infirmities before the public gaze, vainly supposing that they could hide their own contemptible avarice in the more prominent exposure of her melancholy dotage. The father of the Plaintiff, it cannot be unknown to you, was for many years in the most indigent situation. Perhaps it is not a matter of concealment either, that he found in Mrs. Wilkins, a generous benefactress. She assisted and supported him, until at last his increasing necessities reduced him to take refuge in an act of insolvency. During their intimacy, frequent allusion was made to a son whom Mrs. Wilkins had never seen since he was a child, and who was risen to a Lieutenancy in the navy, under the patronage of their relative, Sir Benjamin Bloomfield. In a parent's panegyric, the gallant Lieutenant was of course all that even hope could picture. Young, gay, heroic, and disinterested, the pride of the navy—the prop of the country—Independent as the gale that wafted, and bounteous as the wave that bore him. I am afraid that it is rather an anti-climax to tell you after this, that he is the present Plaintiff. The eloquence of Mrs. Blake was not exclusively confined to her encomiums on the Lieutenant. She diverged at times into an episode on the matrimonial felicities, painted the joy of passion and delights of Love, and obscurely hinted that Hymen, with his torch, had an exact personification in her son Peter bearing a match-light in his Majesty's ship the *Hydra*!—While these contrivances were practising on Mrs. Wilkins, a bye-plot was got up on board the *Hydra*, and Mr. Blake returned to his mourning country, influenced, as he says, by his partiality for the Defendant, but in reality, compelled by ill health and disappointments, added, perhaps, to his mother's very absurd and avaricious speculations. What a loss the navy had of him, and what a loss he had of the navy! Alas, Gentlemen—he could not resist his affection for a female he never saw. Almighty Love eclipsed the glories of ambition—Trafalgar and St. Vincent flitted from his memory—he gave up all for Woman, as Mark Anthony did before him, and like the Cupid in *Hudibras*, he

“————— took his stand

“Upon a Widow's jointure land—
His tender sigh, and trickling tear
Long'd for five hundred pounds a year,
And languishing desires were fond
Of Statute, Mortgage, Bill and Bond!”

—Oh! Gentlemen, only imagine him on the Lakes of North America—alike to him the varieties of season of the vicissitudes of warfare. One sovereign image monopolizes his sensibilities. Does the storm rage? The Widow Wilkins outsights the whirlwind. Is the Ocean calm? Its mirror shews him the lovely Widow Wilkins. Is the battle won? He thins his laurel that the Widow Wilkins may interweave her myrtles. Does the broadside thunder? He invokes the Widow Wilkins!

A sweet little Cherub she sits up aloft,
To keep watch for the life of poor Peter.”

—Alas! how much he is to be pitied! How amply he should be recompensed! Who but must mourn his sublime, disinterested sweet,

souled patriotism! Who but must sympathise with his pure, ardent, generous affection! Affection too confiding *to require an interview!* Affection, too warm *to wait even for an introduction!* Indeed, his Amanda herself seemed to think his love was most desirable at a distance, for at the very first visit after his return, he was refused admittance. His captivating charmer was then sick and nursetended at her brother's house, after a winter's confinement, reflecting, most likely, rather on her funeral than her wedding. Mrs. Blake's avarice instantly took the alarm, and she wrote the letter, which I shall now proceed to read to you.

Mr. VANDOEUR.—My Lord, unwilling as I am to interrupt a statement which seems to create so universal a sensation, still I hope your Lordship will restrain Mr. Philipps from reading a letter which cannot hereafter be read in evidence.

Mr. O'CONNELL rose for the purpose of supporting the propriety of the course pursued by the Defendant's Counsel, when

Mr. PHILIPPS resumed—“ My Lord, although it is utterly impossible for the Learned Gentleman to say, in what manner hereafter this letter might be made evidence, still my case is too strong to require any cavilling upon such trifles. I am content to save the public time and waive the perusal of the letter. However, they have now given its suppression an importance which perhaps its production could not have procured for it. You see, Gentlemen, what a case they have when they insist on the withholding of the documents which originated with themselves. I accede to their very polite interference. I grant them, since they entreat it, the *mercy of my silence*. Certain it is, however, that a letter was received from Mrs. Blake, and that almost immediately after its receipt, Miss Blake intruded herself at Brownville, where Mrs. Wilkins was—remained two days—lamented bitterly her not having appeared to the Lieutenant, when he called to visit her—said, that her poor mother had set her heart on an alliance—that she was sure, *dear woman*, a disappointment would be the death of her; in short, that there was no alternate but the tomb or the altar! To all this, Mrs. Wilkins only replied, how totally ignorant the parties most interested were of each other, and that were she even inclined to connect herself with a stranger (poor old fool!) the debts in which her generosity to her family had already involved her, formed, at least for the present, an insurmountable impediment. This was not sufficient. In less than a week, the indefatigable Miss Blake returned to the charge, actually armed with an old family bond to pay off the incumbrances, and a renewed representation of the mother's suspense and the brother's desperation. You will not fail to observe, Gentlemen, that while the female conspirators were thus at work, the Lover himself *had never even seen the object of his idolatry*. Like the maniac in the farce, he fell in love with the picture of his grandmother. Like a Prince of the blood, he was willing to woo and to be wedded *by proxy*. For the gratification of his avarice, he was contented to embrace age, disease, infirmity, and widowhood—to bind his youthful passions to the carcase for which the grave was opening—to feed by anticipation on the uncold corpse, and cheat the worm of its reversionary corruption. Educated in a profession proverbially generous, he offered to

barter every joy for money ! Born in a country ardent to a fault, he advertised his happiness to the highest bidder ! and he now solicits an honourable Jury to become the panders to this heartless cupidity !— Thus beset, harassed, conspired against, their miserable victim entered into the contract you have heard—a contract conceived in meanness, extorted by fraud, and sought to be enforced by the most profligate conspiracy. Trace it through every stage of its progress, in its origin, its means, its effects—from the parent contriving it through the sacrifice of her son, and forwarding it through the indelicate instrumentality of her daughter, down to the son himself unblushingly acceding to the atrocious combination by which age was to be betrayed and youth degraded, and the odious union of decrepid lust and precocious avarice blasphemously consecrated by the solemnities of Religion. Is this the example which, as parents, you would sanction ? Is this the principle you would adopt yourselves ? Have you never witnessed the misery of an unmatched marriage ? Have you never worshipped the bliss by which it has been hallowed, when its torch, kindled at affection's altar, gives the noon of life its warmth and its lustre, and blesses its evening with a more chastened, but not less lovely illumination ? Are you prepared to say that the rite of Heaven, revered by each country, cherished by each sex ; the solemnity of every Church, and the SACRAMENT of one, shall be profaned into the ceremonial of an obscene and soul-degrading avarice ?

No sooner was this contract, the device of their covetousness and the evidence of their shame, swindled from the wretched object of this conspiracy, then its motives became apparent ; they avowed themselves the keepers of their melancholy victim. They watched her movements ; they dictated her actions ; they forbade all intercourse with her own brother ; they duped her into accepting bills, and let her be arrested for the amount. They exercised the most cruel and capricious tyranny upon her, now menacing her with the publication of her follies, and now with the still more horrible enforcement of a contract, that thus betrayed its anticipated inflictions ! Can you imagine a more disgusting exhibition of how weak and how worthless human nature may be, than this scene exposes ? On the one hand, a combination of sex and age, disregarding the most sacred obligations, and trampling on the most tender ties, from a mean greediness of lucre, that neither honour or gratitude or nature could appease, “ *Lucri bonus est odio exrequilibet.* ” On the other hand, the poor shrivelled relic, of what once was health, and youth, and animation, sought to be embraced in its infection, and carassed in its infirmity—crawled over and corrupted by the human reptiles, before death had shovelled it to the less odious and more natural vermin of the grave !! What an object for the speculations of avarice ! What an angel for the idolatry of youth ! Gentlemen, when this miserable dupe to her own doting vanity and the vice of others, saw how she was treated—when she found herself controlled by the mother, beset by the daughter, beggared by the father, and held by the son as a kind of windfall, that, too rotten to keep its hold, had fallen at his feet to be squeezed, and trampled ; when she saw the intercourse of her relative prohibited, the most trifling remembrance of her ancient friendship denied, the very exercise of her habitual charity de-

nounced ; when she saw that all she was worth was to be surrendered to a family confiscation, and that she was herself to be *gibbeted in the chains of wedlock*, an example to every superannuated dotard, upon whose plunder the ravens of the world might calculate, she came to the wisest determination of her life, and decided that her fortune should remain at her own disposal. Acting upon this decision, she wrote to Mr. Blake, complaining of the cruelty with which she had been treated, desiring the restoration of the contract of which she had been duped, and declaring as the only means of securing respect, her final determination as to the control over her property. To this letter, addressed to the son, a verbal answer (mark the conspiracy) was returned from the mother, withholding all consent, unless the property was settled on her family, but withholding the contract at the same time. The wretched old woman could not sustain this conflict. She was taken seriously ill, confined for many months in her brother's house, from whom she was so cruelly sought to be separated, until the debts in which she was involved and a recommendable change of scene transferred her to Dublin. There she was received with the utmost kindness by her relative, Mr. Mac Namara, to whom she confided the delicacy and distress of her situation. That Gentleman, acting at once as her agent and her friend, instantly repaired to Galway, where he had an interview with Mr. Blake. This was long before the commencement of any action. A conversation took place between them on the subject, which must, in my opinion, set the present action at rest altogether ; because it must show that the non-performance of the contract originated entirely with the Plaintiff himself. Mr. Mac Namara enquired, whether it was not true, that Mr. Blake's own family declined any connexion, unless Mrs. Wilkins consented to settle on them the entire of her property ? Mr. Blake replied it was. Mr. M'Namara rejoined, that her contract did not bind her to any such extent. " No, replied Mr. Blake I know it does not ; however, tell Mrs. Wilkins that I understand she has about £580 a-year, and I will be content to settle the odd £80 on her by way of pocket money." Here of course, the conversation ended, which Mr. Mac Namara detailed, as he was desired, to Mrs. Wilkins, who rejected it with the disdain, which, I hope, it will excite in every honourable mind. A topic, however, arose during the interview, which unfolds the motives and illustrates the mind of Mr. Blake more than any observation which I can make on it. As one of the inducements to the projected marriage, he actually proposed the prospect of a £50 annuity as an officer's widow's pension, to which she would be entitled in the event of his disease ! I will not stop to remark on the delicacy of this inducement—I will not dwell on the ridicule of the anticipation—I will not advert to the glaring dotage on which she speculated, when he could seriously hold out to a woman of her years the prospect of such an improbable survivorship. But I do ask you of what materials must the man be composed who could thus debase the national liberality ! What ! was the recompence of that lofty heroism which has almost appropriated to the British Navy the monopoly of maritime renown—was that grateful offering which a weeping country pours into the lap of its patriot's widow, and into the cradle of its warrior's orphan—was that

generous consolation with which a nation's gratitude cheers the last moments of her dying hero, by the portraiture of his children sustained and ennobled by the legacy of his achievements, to be thus deliberately perverted into the bribe of a base, reluctant, unnatural prostitution! Oh! I know of nothing to parallel the self-abasement of such a deed, except the audacity that requires an honourable Jury to abet it. The following letter from Mr. Anthony Martin, Mr. Blake's Attorney, unfolded the future plans of the unfeeling conspiracy. Perhaps the Gentlemen would wish also to cushion this document? They do not. Then I shall read it:—

The Letter is addressed to Mrs Wilkins.

“ Galway, Jan. 9, 1817.

“ MADAM,

“ I have been applied to professionally by Lieutenant Peter Blake to take proceedings against you on rather *an unpleasant occasion*; but, from every letter of your's, and other documents, together with the material and irreparable loss Mr. Blake has sustained in his professional prospects, by means of *your proposals to him*, makes it indispensably necessary for him to get remuneration from you. Under these circumstances, I am obliged to say, that I have his directions to take immediate proceedings against you, unless he is in some measure compensated for your breach of contract and promise to him. I should feel happy that you would save me the necessity of acting professionally *settling* the business [you see, Gentlemen, money, money, money, runs through the whole amour], particularly, as I conceive from the legal advice Mr. Blake has got, together with all I have seen, it will ultimately terminate most *honourably* to his advantage and to your *pecuniary loss*.

“ I have the honour to remain,

“ Madam,

“ Your very humble Servant,

“ ANTHONY MARTIN.”

Indeed, I think Mr. Anthony Martin is mistaken. Indeed, I think, no twelve men upon their oaths will say (even admitting the truth of all he asserts) that it was *honourable* for a British officer to abandon the Navy on such a speculation—to desert so noble a profession—to forfeit the ambition it ought to have associated—the rank to which it leads—the glory it may confer, for the purpose of extorting from an old woman he never saw, the purchase money of his degradation! But I rescue the Plaintiff from this disgraceful imputation. I cannot believe that a member of a profession not less remarkable for the valour than the generosity of its spirit—a profession as proverbial for its profusion in the harbour as for the prodigality of its life-blood on the wave—a profession ever willing to fling money to the winds, and only anxious that they should waft through the world its immortal banner *crimsoned with the records of a thousand victories*. No, no, Gentlemen, notwithstanding the great authority of Mr. Anthony Martin, I cannot readily believe that any man could be found to make the high honour of this noble service, a base, mercenary, sullied pandar to the prostitution of his youth! The fact is, that increasing ill-health and the improbability of promotion combined to induce his retirement on half-pay. You will find this confirmed by the date of his resignation, which was immediately after the battle of Waterloo, which settled (no matter how) the destinies of Europe. His constitution was declining, his advancement

was annihilated, and, as a forlorn hope, he bombarded the Widow Wilkins!—

“ Warthoughts had left their places vacant ;
In their room came thronging, soft, and amorous desires ;
All telling him how fair—Young Hero was.”

He first, Gentlemen, attacked her fortune *with herself*, through the artillery of the Church, and having failed in that, he now attacks her fortune *without herself*, thro’ the assistance of the law. However, if I am instructed rightly, he has nobody but himself to blame for his disappointment. Observe, I do not vouch for the authenticity of this fact ; but I do certainly assure you, that Mrs. Wilkins was persuaded of it. You know the proverbial frailty of our nature. The gallant Lieutenant was not free from it! Perhaps you imagine that some younger, or, according to his taste, some *older* fair one, weaned him from the widow. Indeed they did not. He had no heart to loose, and yet (can you solve the paradox !) his infirmity was LOVE. As the Poet says—

“ Love—STILL—Love.”

No, it was not to VENUS, it was to BACCHUS, he sacrificed. With an Eastern Idolatry he commenced at day light, and so persevering was his piety till the shades of night that when he was not on his knees—he could scarcely be said to be on his legs ! When I came to this passage, I could not avoid involuntarily exclaiming, Oh, Peter, Peter, whether it be in liquor or in love—

“ None but thyself, can be thy parallel !”—

I see by your smiling, Gentlemen, that you correct my error, I perceive your classic memories recurring to, perhaps, the only prototype to be found in history, I beg his pardon. I should not have overlooked

“ ————— the immortal Captain Wattle,
“ Who was all for love and a little for the bottle.”

Ardent as our fair ones have been announced to be, they do not prefer a flame that is so exclusively *Spiritual*. Widow Wilkins, no doubt, did not choose to be singular. In the words of the Bard, and my Lord, I perceive you excuse my dwelling so much on the authority of the muses, because really on this occasion, the minstrel seems to have combined the power of poetry, with the spirit of prophecy. In the very words of the Bard—

“ He asked her would she marry him—Widow Wilkins, answered,—No—

“ Then said he, I’ll to the Ocean rock, I’m ready for the slaughter,

“ Oh !—I’ll shoot at my sad image, as its sighing in the water—

“ Only think of Widow Wilkins, saying—Go—Peter—Go !”—

But, Gentlemen, let us try to be serious, and seriously give me leave to ask you, on what grounds does he solicit your Verdict ? Is it for the loss of his profession ? Does he deserve compensation if he abandon it for such a purpose—if he deserted at once his duty and his country to trepan the weakness of a wealthy dotard ? But did he

(base as the pretence is) did he do so? Is there nothing to cast any suspicion on the pretext? Nothing in the aspect of public affairs? in the universal peace? in the certainty of being put in commission? in the downright impossibility of advancement? Nothing to make you suspect that he imputes as a contrivance, what was the manifest result of an accidental contingency? Does he claim on the ground of *sacrificed affection*? Oh, Gentlemen, *only fancy what he has lost!* If it were but the *blessed raptures of the bridal night*. Do not suppose I am going to describe it; I shall leave it to the Learned Counsel he has selected to compose his *epithalamium*. I shall not exhibit the *venerable trembler*—at once a relic and a relict; with a grace for every year and a Cupid in every wrinkle—affecting to shrink from the flame of his impatience, and fanning it with the ambrosial sign of sixty-five!! I cannot paint the fierce meridian transports of the honeymoon, gradually melting into a more chastened and permanent affection—every *nine months* adding a link to the chain of their delicate embraces, until, too soon Death's broadside lays the Lieutenant low, consoling, however, his patriarchal Charmer, (old enough at the time to be *last wife of Methusalem*) with a fifty pound annuity, being *the balance of his glory against his Majesty's Ship, the Hydra!*

Give me leave to ask you, is this one of the cases, to meet which, this very rare and delicate action was intended? Is this a case where a reciprocity of circumstances, or affection, or of years, throw even a shade of rationality over the contract? Do not imagine I mean to insinuate, that under no circumstances ought such a proceeding be adopted. Do not imagine, though I say, this action belongs more naturally to a female, its adoption can never be justified by one of the other sex. Without any great violence to my imagination, I can suppose a man in the very spring of life when his sensibilities are most acute, and his passions most ardent, attaching himself to some object, young, lovely, talented, and accomplished, concentrating, as he thought, every charm of personal perfection, and in whom those charms were only heightened by the modesty that veiled them; perhaps his preference was encouraged; his affection returned; his very sigh echoed until he was conscious of his existence, but by the soul, creating sympathy, until the world seemed but the residence of his love, and that love the principle that gave it animation—until before the smile of her affection, the whole spectral train of sorrow vanished, and this world of woe, with all its cares, and miseries, and crimes brightened as by enchantment into anticipated paradise!! It might happen that this divine affection might be crushed, and that heavenly vision wither into air, at the hell-engendered pestilence of parental avarice, leaving youth and health and worth and happiness a sacrifice to its unnatural and mercenary caprices. Far am I from saying, that such a case would not call for expiation, particularly where the punishment fell upon the very vice in which the ruin had originated. Yet even there perhaps an honourable mind would rather despise the mean, unmerited desertion. Oh, I am sure a sensitive mind would rather droop uncomplaining into the grave, than solicit the mockery of a worldly compensation!—But in the case before you, is there the slightest ground for supposing any affection? Do you believe if any accident bereft the Defendant of her fortune, that her persecutor would be

likely to retain his constancy?—Do you believe that the marriage thus sought to be enforced, was one likely to promote morality and virtue? Do you believe that those delicious fruits by which the struggles of social life are sweetened, and the anxieties of parental care alleviated, were ever once anticipated? Do you think that such an union could exhibit those reciprocities of love and endearments by which this tender rite should be consecrated and recommended? Do you rather believe that it originated in avarice—that it was promoted by conspiracy, and that it would not perhaps have lingered through some months of crime, and then terminated in an heartless and disgusting abandonment?

Gentlemen, these are the questions which you will discuss in your Jury-room I am not afraid of your decision. Remember I ask you for no mitigation of damages. Nothing less than your Verdict will satisfy me. By that Verdict you will sustain the dignity of your sex —by that Verdict you will uphold the honor of the national character —by that Verdict you will assure not only the immense multitude of both sexes that thus so unusually crowds around you, but the whole rising generation of your country, that marriage can never be attended with Honour or blessed with happiness, if it has not its origin in mutual affection. I surrender with confidence my case to your decision.

A burst of applause, which continued for some minutes, followed the delivery of this speech—every individual in Court, even those opposed to Mr. Philipps, bore this strong testimony to the delight and admiration he excited.

The Damages were laid at £5,000, and the Plaintiff's Counsel were, in the end, contented to withdraw a Juror, and let him pay his own Costs.

BROWN v. BLAKE.

My Lord and Gentlemen

I am instructed by the Plaintiff to lay his case before you, and little do I wonder at the great interest it seems to have excited. It is one of those Cases which come home to the "business and the bosoms" of mankind—it is not confined to the individuals concerned—it visits every circle from the highest to the lowest—it alarms the very heart of the community, and commands the whole social family to the spot, where human nature prostrated at the bar of public justice, calls aloud for pity and protection! On my first addressing a Jury upon a subject of this nature, I took the high ground to which I deemed myself entitled—I stood upon the purity of the national character—I relied upon that chastity which centuries had made proverbial, and almost drowned the cry of individual suffering in the violated reputation of the country. Humbled and abashed, I must resign the topic—indignation at the novelty of the offence, has given way to horror at the frequency of its repetition—it is now becoming almost fashionable amongst us—we are importing the follies, and naturalizing the vices of the Continent—scarcely a term passes in these Courts, during which some unabashed adulterer or seducer, does not announce himself improving on the odiousness of his offence, by the profligacy of his justification, and as it were, struggling to record by crimes, the desolating progress of our barbarous civilization. Gentlemen, if this be suffered to continue—what home shall be safe—what hearth shall be sacred—what parent can for a moment calculate on the possession of his child—what child shall be secure against the orphanage that springs from prostitution—what solitary right, whether of life, or liberty, or property in the land shall survive amongst us, if that hallowed couch which modesty has veiled, and love endeared, and religion consecrated is to be invaded by a vulgar and promiscuous libertinism! a time there was when that couch was inviolable in Ireland—when conjugal infidelity was deemed but an invention—when marriage was considered as a sacrament of the heart, and faith and affection sent a mingled flame together from the altar; are such times to dwindle into a legend of tradition! are the dearest rights of man, and the holiest ordinances of God, no more to be respected! Is the marriage vow to become but the prelude to perjury and prostitution! Shall our enjoyments debase themselves into an adulterous participation, and our children propagate an incestuous community! Hear the Case which I am fated to unfold, and then tell me whether a single virtue is yet to linger amongst us with impunity—whether honor, friendship, or hospitality are to be sacred—whether that endearing confidence, by which the bitterness of this life is sweetened, is to become the instrument of a perfidy beyond conception; and whether the protection of the roof, the fraternity of the board, the obligations of the altar, and the devotion of the heart, are to be so many panders to the hellish abominations they should have purified!—Hear the Case which must go forth to the world, but which I trust in God your verdict will accompany, to tell that world, that if there was vice enough

Of the Plaintiff, Mr. Browne, it is quite impossible but you must have heard much—his misfortune has given him a sad celebrity and it does seem a peculiar incident to such misfortune that the loss of happiness is almost invariably succeeded by the deprivation of character. As the less guilty murderer will hide the corse that may lead to his detection, so does the adulterer, by obscuring the reputation of his victim, seek to diminish the moral responsibility he has incurred. Mr. Browne undoubtedly forms no exception to this system—betrayed by his friend and abandoned by his wife, his too generous confidence—his too tender love have been slanderously perverted into the sources of his calamity—because he could not tyrannise over her whom he adored, he was careless—because he could not suspect him in whom he trusted, he was careless; and crime in the infatuation of its cunning, finds its justification even on the virtues of its victim! I am not deterred by the prejudice thus cruelly excited—I appeal from the gossipping credulity of scandal to the grave decisions of fathers and of husbands, and I implore of you, as you value the blessings of your home, not to countenance the calumny which solicits a precedent to excuse their spoliation. At the close of the year 1809, the death of my client's father gave him the inheritance of an ample fortune. Of all the joys his prosperity created, there was none but yielded to the ecstasy of sharing it with her he loved, the daughter of his father's ancient friend, the respectable proprietor of Oran Castle. She was then in the very spring of life, and never did the Sun of Heaven unfold a lovelier blossom—her look was beauty and her breath was fragrance—the eye that saw her caught a lustre from the vision; and all the virtues seemed to linger round her, like so many spotless spirits enamoured of her loveliness.

“ Yes, she was good, as she was fair,
None, none on earth above her,
As pure in thought as Angels are,
To see her, was to love her.”

What years of tongueless transport might not her happy husband have anticipated! What one addition could her beauties gain to render them all perfect! In the connubial rapture there was only one and she was blessed with it. A lovely family of infant children gave her the consecrated name of mother, and with it all that Heaven can give of interest to this world's worthlessness. Can the mind imagine a more delightful vision than that of such a mother, thus young, thus lovely, thus beloved, blessing a husband's heart, basking in a world's smile; and while she breathed into her little ones the moral life, shewing them that robed in all the light of beauty, it was still possible for their virtues to cast it into the shade. Year after year of happiness rolled on, and every year but added to their love a pledge to make it happier than the former. Without ambition but her husband's love, without one object but her children's happiness, this lovely woman circled in her orbit, all bright, all beautious in the prosperous hour, and if that hour e'er darkened, only beaming the brighter and the lovelier. What human hand could mar so pure a picture! What punishment could adequately visit its violation!

“ Oh happy love, where love like this is found!
Oh heart-felt rapture! bliss beyond compare!

of summer, friends, that revel in the sunshine of the hour, and vanish with its splendour. High and honoured in that crowd—most gay, most cherished, most professing, stood the Defendant, Mr. Blake. He was the Plaintiff's dearest, fondest friend, to every pleasure called, in every case consulted, his day's companion and his evening's guest, his constant, trusted, bosom confident, and under guise of all, oh human nature ! he was his fellest, deadliest, final enemy ! Here, on the authority of this brief, do I arraign him, of having wound himself into my client's intimacy,—of having encouraged that intimacy into friendship, of having counterfeited a sympathy in his joys and in his sorrows ; and when he seemed too pure even for scepticism to doubt him, of having, under the very sanctity of his roof, perpetrated an adultery the most unprecedented and perfidious ! If this be true, can the world's wealth defray the penalty of such turpitude ? Mr. Browne, Gentlemen, was a man of fortune, he had no profession, was ignorant of agricultural pursuit, and, unfortunately adopting the advice of his father-in-law, he cultivated the amusements of the Curragh. I say, unfortunately, for his own affairs, and by no means in reference to the pursuit itself. It is not for me to libel an occupation which the highest, and noblest, and most illustrious throughout the Empire, countenance by their adoption, which fashion and virtue graces by its attendance, and in which, Peers and Legislators and Princes are not ashamed to appear conspicuous. But if the morality that countenances it be doubtful, by what epithet shall we designate that which would make it an apology for the most profligate of offences ? Even if Mr. Browne's pursuit were ever so erroneous, was it for his bosom friend to take advantage of them to ruin him. On this subject, it is sufficient for me to remark, that under no circumstances of prosperity or vicissitude, was their connubial happiness ever even remotely clouded. In fact, the Plaintiff disregarded even the amusements that deprived him of her society. He took a house for her in the vicinity of Kildare, furnished it with all that luxury could require, and afforded her the greatest of all luxuries, that of enjoying and enhancing his most prodigal affection. From the hour of their marriage, up to the unfortunate discovery, they lived on terms of the utmost tenderness—not a word, except one of love—not an act, except of mutual endearment, passed between them. Now, Gentlemen, if this be proved to you, here I take my stand, and I say, under no earthly circumstances, can a justification of the adulterer be adduced.—No matter with what delinquent sophistry he may blaspheme through its palliation, God ordained, nature cemented, happiness consecrated that celestial union, and it is complicated treason against God and man, and society, to intend its violation. The social compact, through every fibre trembles at its consequences—not only policy but law, not only law but nature, not only nature but religion, deprecate and denounce it,—parent and offspring,—youth and age,—the dead from their tombs— the child from its cradle,—creatures scarce alive, and creatures still unborn ; the grandsire shivering on the verge of death, the infant quickening in the mother's womb ; all with one assent, re-echo God, and execrate adultery ! I say, then, where it is once proved that husband and wife live together in a state of happiness, no contingency on which the sun can shine, can warrant any man in attempting their separation. Did they do so. That is imparatively your first consideration. I only

hope that all the hearts religion has joined together, may have enjoyed the happiness that they did. Their married state, was one continued honey-moon ; and if ever cloud arose to dim it, before love's sigh it fled, and left its orb the brighter. Prosperous and wealthy, fortune had no charms for Mr. Browne, but as it blessed the object of his affections. She made success delightful ; she gave his wealth its value. The most splendid equipages—the most costly luxuries—the richest retinué—all that vanity could invent to dazzle,—all that affection could devise, to gratify, were hers, and thought too vile for her enjoyment. Great as his fortune was, his love outshone it, and it seems as if fortune was jealous of the preference. Proverbially capricious, she withdrew her smile, and left him shorn almost of every thing except his love, and the fidelity that crowned it.

The hour of adversity is woman's hour—in the full blaze of fortune's rich meridian, her modest beam retires from vulgar notice, but when the clouds of woe collect around us, and shades and darkness dim the wanderer's path, that chaste and lovely light shines forth to cheer him, an emblem and an emanation of the heavens ! It was then her love, her value, and her power was visible. No, it is not for the cheerfulness with which she bore the change I prize her—it is not that without sigh she surrendered all the bâubles of prosperity—but that she pillow'd her poor husband's heart, welcomed adversity to make him happy, held up her little children as the wealth that no adversity could take away ; and when she found his spirit broken and his soul dejected, with a more than masculine understanding, retrieved in some degree, his desperate fortunes, and saved the little wreck that solaced their retirement.—What was such a woman worth, I ask you ?—If you can stoop to estimate by dross the worth of such a creature—give me even a notary's calculation, and tell me then what was she worth to him to whom she had consecrated the bloom of her youth, the charm of her innocence, the splendour of her beauty, the wealth of her tenderness, the power of her genius, the treasure of her fidelity ?—she—the mother of his children—the pulse of his heart—the joy of his prosperity—the solace of his misfortunes—what was she worth to him ?—Fallen as she is, you may still estimate her—you may see her value even in her ruin.—The gem is sullied—the diamond is shivered, but even in its dust you may see the magnificence of its material. After this, they retired to Rockville, their Seat in the County of Galway, where they resided in the most domestic manner, on the remnant of their once splendid establishment. The butterflies that in their noon-tide fluttered round them, vanished at the first breath of their adversity, but one early friend still remained faithful and affectionate, and that was the Defendant. Mr. Blake is a young gentleman of about eight and twenty—of splendid fortune—polished in his manners—interesting in his appearance—with many qualities to attach a friend, and every quality to fascinate a female. Most willingly do I pay the tribute which nature claims for him—most bitterly do I lament that he has been so ungrateful to so prodigal a benefactress. The more Mr. Brown's misfortunes accumulated, the more disinterestedly attached did Mr. Blake appear to him. He shared with him his purse—he assisted him with his counsel—in an affair of honour, he placed his life and character in his hands—he introduced his innocent sister, just arrived from an English Nunnery, into the family of his friend—he encouraged every reciprocity of intercourse between the females, and

to crown all, that no possible suspicion might attach to him, he seldom travelled without his domestic Chaplain! Now, if it shall appear that all this was only a screen for his adultery—that he took advantage of his friend's misfortunes to seduce the wife of his bosom—that he affected confidence only to betray it—that he perfected the wretchedness he pretended to console, and that in the midst of poverty, he has left his victim, friendless, hopeless, companionless, a husband without a wife, and a father without a child.—Gracious God! is it not enough to turn mercy herself into an executioner! You convict for murder—here is the hand that murdered innocence! You convict for treason—here is the vilest disloyalty to friendship! You convict for robbery—here is one who plundered virtue of her purest pearl, and dissolved even in the bowl that hospitality held out to him!! They pretend that he is innocent! Oh effrontery the most unblushing! Oh vilest insult, added to the deadliest injury! Oh base, detestable and damnable hypocrisy! Of the final testimony it is true enough theirunning has deprived us, but under providence, I will pour upon this baseness such a flood of light, that I will defy not the most honourable man merely, but the most charitable sceptic, to touch the Holy Evangelists, and say, by their sanctity, it has not been committed. Attend upon me now, Gentlemen, step by step, and with me rejoice that, no matter how cautious may be the conspiracies of guilt, there is a Power above to confound and to discover them.

On the 27th of last January, Mary Hines, one of the domestics received directions from Mrs. Brown, to have breakfast ready, very early on the ensuing morning, as the Defendant, then on a visit at the house, expressed an inclination to go out to hunt. She was accordingly brushing down the stairs at a very early hour, when she observed the handle of her mistress's door stir, and fearing the noise had disturbed her, she ran hastily down stairs to avoid her displeasure. She remained below about three quarters of an hour, when her master's bell ringing violently she hastened to answer it. He asked her in some alarm where her mistress was? naturally enough astonished at such a question at such an hour, she said she knew not, but would go down and see whether or not she was in the parlour. Mr. Browne, however, had good reason to be alarmed, for she was so extremely indisposed going to bed at night that an express stood actually prepared to bring medical aid from Galway, unless she appeared better. An unusual depression both of mind and body preyed upon Mrs. Browne on the preceding evening. She frequently burst into tears, threw her arms around her husband's neck, saying that she was sure another month would separate her for ever from him and her dear children. It was no accidental omen. Too surely the warning of Providence was upon her. When the maid was going down, Mr. Blake appeared at his door totally undressed, and in a tone of much confusion desired that his servant should be sent up to him. She went down—as she was about to return from her ineffectual search, she heard her master's voice, in the most violent indignation, and almost immediately after Mrs. Brown rushed past her into the parlour, and hastily seizing her writing-desk desired her instantly to quit the apartment. Gentlemen, I request you will bear every syllable of this scene in your recollection, but most particularly the anxiety about the writing-desk. You will soon find that there was a cogent reason for it. Little was the wonder that Mr. Browne's tone shoul-

be that of violence and indignation. He had actually discovered his wife and friend totally undressed, just as they had escaped from the guilty bed side where they stood in all the shame and horror of their situation! He shouted for her brother, and that miserable brother had the agony of witnessing his guilty sister in the bed-room of her paramour, both almost literally in a state of nudity. Blake! Blake! exclaimed the heart-struck husband, is this the return you have made for my hospitality? Oh, heavens! what a reproach was there! It was not merely, you have dishonoured my bed—it was not merely, you have sacrificed my happiness—it was not merely you have widowed me in my youth, and left me the father of an orphan family—it was not merely you have violated a compact to which all the world swore a tacit veneration—but, *you—you* have done it, my friend, my guest, under the very roof barbarians reverence; where you enjoyed my table, where you pledged my happiness; where you saw her in all the loveliness of her virtue, and at the very hour when our little helpless children were wrapt in that repose of which you have for ever robbed their miserable parents! I do confess when I paused here in the perusal of these instructions, the very life blood froze within my veins. What, said I, must I not only reveal this guilt! must I not only expose this perfidy! must I not only brand the infidelity of a wife and mother, but must I, amid the agonies of outraged nature, make the brother the proof of the sister's prostitution! Thank God, Gentlemen, I may not be obliged to torture you and him and myself, but such instrumentality. I think the proof is full without it, though it must add another pang to the soul of the poor Plaintiff, because it must render it almost impossible that his little infants are not the brood of this adulterous depravity. It will be distinctly proved to you by Honoria Brennan, another of the servants, that one night, so far back as the May previous to the last mentioned occurrence, when she was in the act of arranging the beds, she saw Mr. Blake come up stairs, look cautiously about him, go to Mrs. Browne's bed-room door, and tap at it; that immediately after Mrs. Browne went, with no other covering than her shift, to Mr. Blake's bed-chamber, where the guilty parties locked themselves up together. Terrified and astonished, the maid retired to the servants' apartments, and in about quarter of an hour after she saw Mrs. Brown in the same habiliments return from the bed-room of Blake into her husband's. Gentlemen, it was by one of those accidents which so often accompany and occasion the developement of guilt, that we have arrived at this evidence. It was very natural that she did not wish either to expose her mistress, or afflict her unconscious master with the recital: very natural that she did not desire to be the instrument of so frightful a discovery. However, when she found that concealment was out of the question; that this action was actually in progress, and that the guilty delinquent was publicly triumphing in the absence of proof, and through an herd of slanderous dependants, cruelly villifying the character of his victim! she sent a friend to Mr. Browne, and in his presence and that of two others, solemnly discovered her melancholy information, Gentlemen, I do entreat of you to examine this woman, though she is an uneducated peasant, with all severity, because, if she speaks the truth, I think you will agree with me that so horrible a complication of iniquity never disgraced the annals of a Court of Justice. He had just risen from the table of his friend—he left his own brother and

that friend behind him, and even from the very board of his hospitality, he proceeded to the defilement of his bed! Of mere adultery I had heard before. It was bad enough—a breach of all law, religion and morality—but—what shall I call this? that seduced innocence—insulted misfortune—betrayed friendship—violated hospitality—tore up the very foundations of human nature, and harled its fragments at the violated altar, as if to bury religion beneath the ruins of society!! Oh it is guilt might put a Dæmon to the blush!

Does our proof rest here? No—though the mind must be sceptical that after this could doubt. A guilty correspondence was carried on between the parties, and though its contents were destroyed by Mrs. Browne on the morning of the discovery, still we shall authenticate the fact beyond suspicion. You shall hear it from the very messenger they entrusted—you shall hear from him too, that the wife and the adulterer both bound him to the strictest secrecy, at once establishing their own collusion and their victim's ignorance, proving by the very anxiety for concealment, the impossibility of connivance; so true it is, that the conviction of guilt will often proceed even from the stratagem for its security. Does our proof rest here? No—you shall have it from a Gentlemen of unimpeachable veracity, that the Defendant himself confessed the discovery in his bed-room—“I will save him, said he, the trouble of proving it—she was in her shift and I was in my shirt—I know very well a Jury will award damages against me—ask Browne will he agree to compromise it—he owes me some money, and I will give him the overplus in horses!” Can you imagine any thing more abominable; he seduced from his friend the idol of his soul, and the mother of his children, and when he was wraithing under the recent wound, he deliberately offers him brutes in compensation! I will not depreciate this cruelty by any comment; yet the very brute he would barter for that unnatural mother, would have lost its life rather than desert its offspring. Now, Gentlemen, what rational mind but must spurn the asseveration of innocence after this? Why the anxiety about the writing desk? Why a clandestine correspondence with her husband's friend? Why remain at two different periods for a quarter of an hour together in a gentleman's bed-chamber with no other habiliment at one time than her bed-dress, at another than her shift. Is this customary with the married females of this country? Is this to be a precedent for your wives and daughters, sanctioned too by you, their parents and their husbands? Why did he confess that a verdict for damages must go against him, and make the offer of that unfeeling compromise? Was it for concealment? The transaction was as common as the air he breathed. Was it because he was innocent?—The very offer was a judgment by default, a distinct, undeniable corroboration of his guilt. Was it that the female's character should not suffer? Could there be a more trumpet-tongued proclamation of her criminality? Are our witnesses suborned? Let his army of counsel sift and torture them. Can they prove it? Oh, yes, if it be proveable—Let them produce her brother, in our hands a damning proof to be sure; but then frightful, afflicting, unnatural—in theirs, the most consolatory and delightful, the vindication of calumniated innocence, and that innocence, the innocence of a sister. Such is the leading outline of our evidence, evidence which you will only wonder is so convincing in a case whose very nature pre-supposes the most cautious secrecy. The

law indeed, Gentlemen, duly estimating the difficulty of final proof in this species of action has recognized the validity of inferential evidence, but on that subject his Lordship must direct you.

Do they rely then on the ground of innocence? If they do, I submit to you on the authority of law, that inferential evidence is quite sufficient; and on the authority of reason, that in this particular Case, the inferential testimony amounts to demonstration. Amongst the innumerable calumnies afloat, it has been hinted to me indeed, that they mean also to rely upon what they denominate the indiscretion of the husband. The moment they have the hardihood to resort to that, they, of course, abandon all denial of delinquency, and even were it fully proved, it is then worth your most serious consideration, whether you will tolerate such a defence as that. It is in my mind beyond all endurance, that any man should dare to come into a Court of Justice, and on the shawdowy pretence of what he may term, carelessness, ground the most substantial and irreparable injury. Against the unmanly principle of conjugal severity, in the name of civilized society, I solemnly protest—It is not fitted for the meridian, and I hope will never amalgamate itself with the manners of this country—it is the most ungenerous and insulting suspicion, reduced into the most unmanly and despotic practice.

“ Let barbarous nations, whose inhuman love
 Is wild desire, fierce as the suns they feel;
 Let Eastern tyrants, from the light of heaven
 Seclude their bosom slaves, meanly possessed
 Of a mere lifeless violated form—
 While those whom love cements in holy faith,
 And equal transport, free as nature live,
 Disdaining fear.”

But once establish the principle of this moral and domestic censorship, and then tell me where it is to begin? Where is it to end? Who shall bound? Who shall deface it? By what hitherto undiscoverable standard, shall we regulate the shades between solemnity and levity? Will you permit this impudent espionage upon your households; upon the hallowed privacy of your domestic hours; and for what purpose? Why, that the seducer and the adulterer may calculate the security of his cold-blooded libertinism!—that he may steal like an assassin upon your hours of relaxation, and convert perhaps your confidence into the instrument of your ruin! If this be once permitted as a ground of justification, we may bid farewell at once to all the delightful intercourse of social life. Spurning as I do at this odious system of organized distrust, suppose the admission made; that my client was careless, indiscreet, culpable, if they will, in his domestic regulations, is it therefore to be endured, that every abandoned burglar should seduce his wife, or violate his daughter? Is it to be endured, that Mr. Blake, of all men, should rely on such an infamous and convenient extenuation? *He*—his friend, his guest, his confident—he, who introduced a spotless sister to this attainted intimacy—shall he say, I associated with you hourly; I affected your familiarity for many years; I accompanied my domesticated minister of religion to your family; I almost naturalized the nearest female relative I had on earth, unsullied and unmarried as she was within your household; but—*you fool*—it was only to turn it into a brothel!! Merciful God, will you endure him when he tells you thus, that he is

on the watch to prowl upon the weakness of humanity, and audaciously solicits your charter for such libertinism?

I have heard it asserted also, that they mean to arraign the husband as a conspirator, because, in the hour of confidence and misfortune he accepted a proffered pecuniary assistance from the man he thought his friend. It is true he did so; but so, I will say, criminally careful was he of his interests, that he gave him his bond—made him enter up judgment on that bond, and made him issue an execution on that judgment, ready to be levied in a day, that in the wreck of all, the friend of his bosom should be at least indemnified. It was my impression, indeed, that under a lease of this nature, amongst honourable men, so far from any unwarrantable privilege created, there was rather a peculiar delicacy incumbent on the donor. I should have thought so still, but for a frightful expression of one of the Counsel on the motion, by which they endeavoured not to trust a Dublin Jury with this issue. What, exclaimed they, in all the pride of their execrable instructions, “a *poor* Plaintiff, and a *rich* Defendant! is there nothing in that!” No, if my Client’s shape does not belie his species, there is nothing in *that*. I braved the assertion as a calumny on human nature—I call on you if such an allegation be repeated, to visit it with vindictive and overwhelming damages? I would appeal, not to this civilized assembly, but to an horde of savages, whether it is possible for the most inhuman monster thus to sacrifice to infamy, his character—his wife—his home—his children! In the name of possibility I deny it; in the name of humanity, I denounce it; in the name of our common Country, and our common nature, I implore of the learned Counsel not to promulgate such a slander upon both—but I need not do so; if the zeal of advocacy should induce them to the attempt, memory would array their happy homes before them—their little children would lisp its contradiction—their love—their hearts—their instinctive feelings as fathers and as husbands would rebel within them, and wither up the horrid blasphemy upon their lips.

They will find it difficult to palliate such turpitude—I am sure I find it difficult to aggravate. It is in itself an hyperbole of wickedness. Honour, innocence, religion, friendship,—all that is sanctified or lovely, or endearing in creation. Even that hallowed, social, shall I not say *indigenous* virtue—that blessed hospitality—which foreign envy could not deny, or foreign robbery despoil—which, when all else had perished, cast a bloom on our desolation, flinging its rich foliage over the national ruin, as if to hide the monument, while it gave a shelter to the mourner—even that withered away before this pestilence! But what do I say! was virtue merely the victim of this adulterer? Worse, worse—it was his instrument—even on the broken tablet of the decalogue did he whet the dagger for this social assassination—What will you say, when I inform you, that a few months before, he went deliberately to the baptismal font with the waters of life to regenerate the infant that, too well could he avouch it, had been born in sin and he promised to teach it Christianity! And he promised to guard it against “the flesh!” And lest infinite mercy should overlook the sins of its adulterous father, seeking to make his God his pander, he tried to damn it even with the Sacrament! !—See then the horrible atrocity of this case as it touches the

Defendant—but how can you count its miseries as attaching to the Plaintiff! He has suffered a pang the most agonizing to human sensibility—it has been inflicted by his friend, and inflicted beneath his roof—it commences at a period which casts doubt on the legitimacy of his children, and to crown all, “unto him a son is born” even since the separation, upon whom every shilling of his estates has been entailed by settlement? What compensation can reprise so unparalleled a sufferer! What solitary consolation is there in reserve for him! Is it love? Alas there was one whom he adored with all the heart’s idolatry, and she deserted him. Is it friendship? There was one of all the world whom he trusted, and that one betrayed him. Is it society? The smile of others’ happiness appears but the epitaph of his own. Is it solitude? Can he be alone while memory, striking on the sepulchre of his heart, calls into existence the spectres of the past. Shall he fly for refuge to his “sacred home!” Every object there is eloquent of his ruin! Shall he seek a mournful solace in his children? Oh, he has no children—there is the little favourite that she nursed, and there—there—even on its guileless features—there is the horrid smile of the adulterer!!

O Gentlemen, am I this day only the counsel of my client! no—no—I am the advocate of humanity—of yourselves—your homes—your wives—your families—your little children; I am glad that this case exhibits such atrocity; unmarked as it is by any mitigatory feature, it may stop the frightful advance of this calamity; it will be met now and marked with vengeance; if it be not; farewell to the virtues of your country; farewell to all confidence between man and man; farewell to that unsuspicious and reciprocal tenderness, without which, marriage is but a consecrated curse; if oaths are to be violated; laws disregarded; friendship betrayed; humanity trampled; national and individual honour stained; and that a jury of fathers, and of husbands will give such miscreancy a passport to their own homes, and wives, and daughters: farewell to all that yet remains of Ireland! But I will not cast such a doubt upon the character of my country. Against the sneer of the foe, and the scepticism of the foreigner, I will still point to the domestic virtues, that no perfidy could barter, and no bribery can purchase, that with a Roman usage, at once embellish and consecrate households, giving to the society of the heart all the purity of the altar; that lingering alike in the palace and the cottage, are still to be found scattered over this land; the relic of what she was; the source perhaps of what she may be; the lone and stately, and magnificent memorials, that rearing their majesty amid surrounding ruins, serve at once as the land marks of the departed glory, and the models by which the future may be erected.

Preserve those virtues with a vestal fidelity; mark this day by your verdict, your horror at their profanation, and believe me, when the hand which records that verdict shall be dust, and the tongue that asks it traceless in the grave, many an happy home will bless its consequences, and many a mother teach her little child to hate the impious treason of adultery.

After a most laborious investigation of two days, the JURY found a verdict for the Defendant.